

Assembly Bill No. 1736

CHAPTER 351

An act to add Section 24216.6 to the Education Code, relating to state teachers' retirement.

[Approved by Governor September 7, 2000. Filed
with Secretary of State September 8, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1736, Ducheny. State teachers' retirement: postretirement compensation.

Under existing law, a member retired for service may earn compensation for creditable service in any one school year up to \$15,000, as adjusted, without a reduction in his or her retirement allowance. If a member retired for service earns compensation for creditable service in excess of that amount, his or her retirement allowance is reduced by the amount of the excess compensation.

This bill would provide that the earnings paid to a member who retired from service on or before July 1, 2000, and who is employed by a school district to provide direct remedial instruction, as defined, to pupils in grades 2 to 12, inclusive, are exempt from the above provisions if certain other conditions are met.

The people of the State of California do enact as follows:

SECTION 1. Section 24216.6 is added to the Education Code, to read:

24216.6. (a) The compensation earned by a member who retired for service under this part shall be exempt from subdivisions (d), (f), and (g) of Section 24214, if all of the following conditions are met:

(1) The member retired for service with an effective date on or before July 1, 2000.

(2) The member retired for service is employed by a school district to provide direct remedial instruction to pupils in grades 2 to 12, inclusive. "Remedial instruction" means the programs specified in Sections 37252 and 37252.5.

(3) All members retired for service whose employment with a school district meets the conditions specified in this section shall be treated as a distinct class of temporary employees within the existing bargaining unit whose service shall not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of a school district. The compensation for service performed by this class of employees shall be established in accordance with subdivision (b) of Section 24214

and agreed to in the collective bargaining agreement between the employing school district and the exclusive representative for the existing bargaining unit within which these temporary employees of the school district are treated as a distinct class.

(4) The employing school district submits documentation required by the system to substantiate the eligibility of the temporary employment of a member retired for service for the exemption under this subdivision.

(b) A school district that employs a member retired for service pursuant to this section shall maintain accurate records of the retired member's compensation earned and shall report that compensation monthly to the system regardless of the method of payment or the source of funds from which the compensation is paid.

(c) This section shall not apply to the compensation earned for creditable service performed by a member retired for service for a county office of education or a community college district.

